Single Family Design Guidelines Update/ Neighborhood Preservation Ordinance Update

Ordinance Committee

3/13/07

RECOMMENDATIONS

That the Ordinance Committee:

A. Review the draft updated Neighborhood Preservation Ordinance; and

B. Consider the creation of a Neighborhood Preservation Committee (NPC).

Draft Ordinance
Provisions to Review Today

- Chapter 22.68 ABR Revisions

- Chapter 22.68 New NPC

- Section 22.69.040 NPC Notice & Hearing

- Section 22.60.050 NPO Findings

- Section 28.15.083 FARs

- Section 28.92.110 Modifications

2/27/07 Initial Ordinance Committee Comment Topics Summary

Neighborhood Preservation Committee (NPC) Draft

1. Appeals Process: directly to City Council, or to ABR first?
   Staff recommends: directly to City Council

2. Composition

   a. Size

   b. Minimum Number of Architects

   c. Two ABR Members included in membership?

   Staff recommends: 5 member NPC, 7 member ABR, 3 req'd. archs., & up to 2 ABR members optional only after first year

3. Number of Items per Agenda and ABR & NPC meeting scheduling

4. Member compensation for ABR and/or NPC

General

5. Resident Noticing Proposal

Today

- ◆ Review Reasons Why NPC Proposed & Issues for Discussion

- ◆ Public Comment

- ◆ Ordinance Committee Preference for an NPC?

- ◆ NPC Issues Discussion

- ◆ Tenant Noticing

Existing Conditions at ABR

- Longest hours of any of our Design Review hearing bodies

- Strict Conflict of Interest rules

- Strict residency requirements

- General recruitment issues

Original Ideas to Review 40-60 More Cases Yearly

◆ Staff review more projects administratively:

– Not very many cases could fit this category

◆ Eliminate some project categories from review

– Not acceptable to public requesting review

◆ Reduce ABR membership size

– Dependent on difficult Charter Amendment

◆ Pay ABR small stipend, give other benefits

– Long hours for ABR not addressed, long-term recruitment issues not likely to be solved

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Proposed
Neighborhood Preservation Committee (NPC)

◆ To review NPO related cases (single family projects)

◆ Full NPC would meet every other Monday

◆ ABR's lightened workload (approx. half as many cases) would allow it to also meet every other Monday

◆ However, Consent Calendar for both ABR and NPC would be weekly to ensure minor projects and projects in final review stages can be expedited

	ABR	NPC
Reviews	Multi-Family, Commercial, etc.	Single Family Only
Meetings	Full Board/Committee every other week, Consent Calendar every week	
Legal Structure	Created via a Charter	Title 22 only w/ Council Appointments
Potential Conflict of Interest Level for City Project Work	High: Architects from firms which want to work on City Projects won't be on ABR	Very Low
Appeals go to:	City Council	ABR

Review of
NPC Advantages

+ **Conflict of Interest** issues largely absent for NPC members

+ **Significantly smaller time commitment** for most ABR members would have a much

+ **Most practical** way to handle additional cases (e.g. increased Admin. Reviews, eliminating projects for review or lengthening current ABR agenda not as practical)

+ **Member focused interest** in s.f. or comm./m.f. can be accommodated

+ **Focused expertise** could further develop for each hearing body

Does the Ordinance Committee support concept of a Neighborhood Preservation Committee?

Is name better as "Neighborhood Preservation Board"?

h2   Advantage of going to ABR first is that ABR as a regular DR board could solve some Design related issues before it reaches City Council

This set up doesn't necessarily mean that the NPC is sub-bordinate to the ABR

However, given feedback we've received from AIA and Ord. Comm. at last mtg. the more efficient model is preferred/recommended.
hbaker, 3/9/2007

Item 2a: NPC Size Options
(compared to existing ABR membership)

		Recommended: **NPC** **(5)**	Alternative: NPC (7)	Existing: ABR
1	Architect	√	√	√
2	2nd Architect	√	√	√
3	Related Professional	√	√	√
4	2nd Related Professional		√	√
5	3rd Related Professional			√
6	Landscape Architect	√	√	√
7	2nd Landscape Architect		√	√
8	Public at large	√	√	√
9	2nd Public at large			√

Item 2a: NPC at 7 vs. 5 Members

	Total ABR/NPC Members to Recruit (Assumes future 7 member ABR)	Advantages	Disadvantages
5 Member NPC	10 1 more than now	◆More efficient/faster mtgs. ◆Less intimidating for home-owners ◆<u>Recruitment easier</u>	◆Slightly less diversity of opinion and discussion possible, but 5 members appears sufficiently diverse
7 Member NPC	12 3 more than now	Greater diversity of opinion and discussion possible	◆Less efficient/longer mtgs. ◆More intimidating for home-owners ◆Recruitment more difficult

Staff Recommends: No more than a 5 member NPC, at least until ABR Charter allows reduction to 7 ABR members.

Item 2b: NPC Minimum Licensed Architects
(compared to existing ABR membership)

		Recommended: NPC (5)	Alternative: NPC (7)	Existing: ABR
1	Architect	√	√	√
2	2nd Architect	√	√	√
3	Related Professional	√	√	√
4	2nd Related Professional		√	√
5	3rd Related Professional			√
6	Landscape Architect	√	√	√
7	2nd Landscape Architect		√	√
8	Public at large	√	√	√
9	2nd Public at large			√

Item 2b: NPC Minimum Licensed Architects
(compared to existing ABR membership)

		Recommended: **NPC (5)**	Alternative: NPC (7)	Existing: ABR
1	Architect	√	√	√
2	2nd Architect	√	√	√
3	Related Professional	√	√	√
4	2nd Related Professional		√	√
5	3rd Related Professional			√
6	Landscape Architect	√	√	√
7	2nd Landscape Architect		√	√
8	Public at large	√	√	√
9	2nd Public at large			√

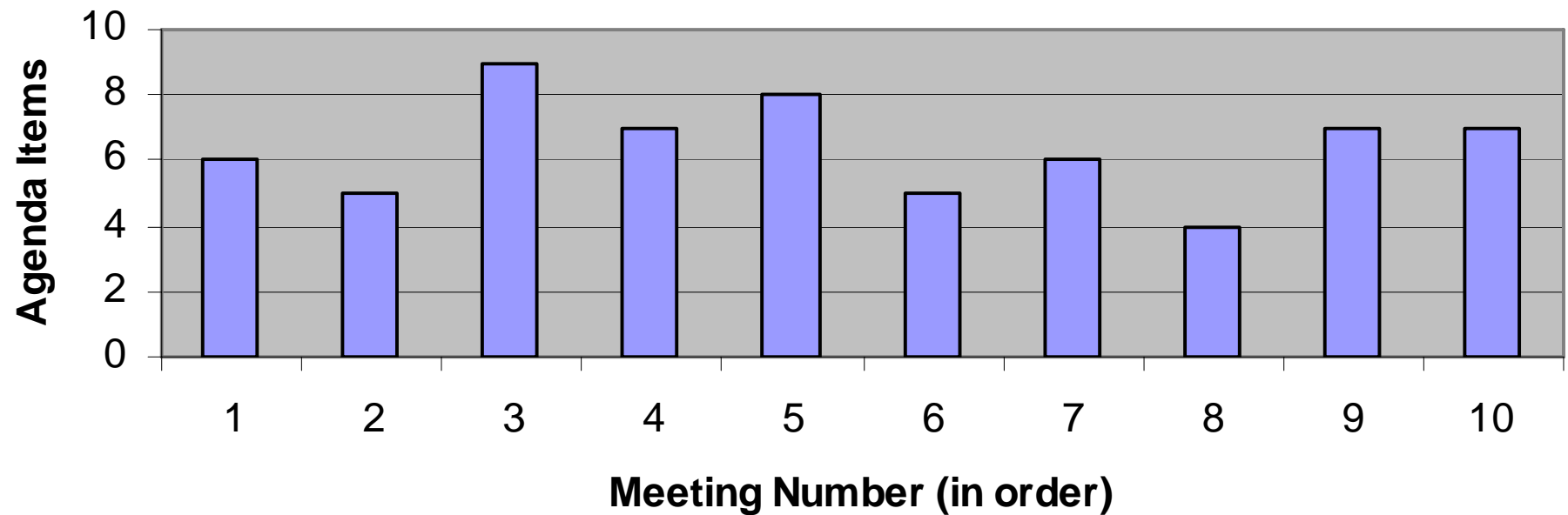# Item 2b: NPC Minimum # of Architects

Already Professional Interest in NPC Membership:

- ◆ 2 active licensed architects currently serving on the ABR

  (>40 yrs. as licensed archs. combined)

- ◆ 1 licensed architect within SB County limits (34 yrs. as licensed arch.)

- ◆ 1 former "related professional" ABR member

Item 2c: Two ABR Members Included in NPC Membership?

		Recommended: NPC (5)	Alternative: NPC (7)	Existing: ABR
1	Architect	√	√	√
2	2nd Architect	√ (ABR Member)	√	√
3	Related Professional	√ (ABR Member)	√	√
4	2nd Related Professional		√	√
5	3rd Related Professional			√
6	Landscape Architect	√	√	√
7	2nd Landscape Architect		√	√
8	Public at large	√	√	√
9	2nd Public at large			√

If Agenda Had Been Split Between NPC & ABR:
First 10 Meetings in 2007
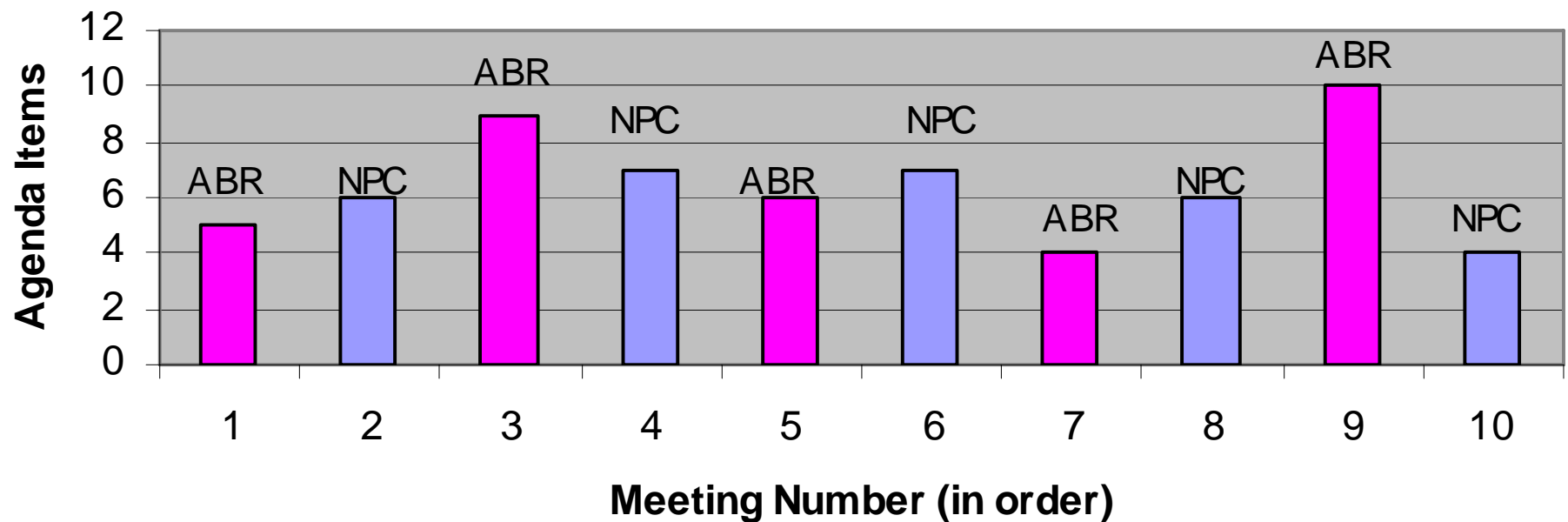
Item 3: Number of Agenda Items/ Mtg. Review Time Averages

◆ ABR Items: 40 minute average each

◆ NPO Items: 30 minute average each

PROPOSAL:

ABR 7 – 8 items every other week:

4.5 – 5 hrs. plus .5 hr. Admin. time weekly

NPC 8 – 10 items every other week:

4 – 5 hours plus .5 hr. Admin. time weekly

Item 4: ABR & NPC Member Compensation Options

		Pay 4 ◆ABR/NPC Dual Members (2) bi-weekly $50 ◆Consent Calendar Reviewers (2) $50 weekly	Pay ALL 13 ABR (7) NPC (5) $50 Bi-Weekly	Pay ALL 14 ABR (7) NPC (7) $50 Weekly
1	NPC Member Conducting Consent Calendar Weekly: $50 / mtg.	$2550		
1	ABR Member Conducting Consent Calendar Weekly: $50 / mtg.	$2550		
2	ABR Members also members of NPC: $50 / mtg. bi-weekly	$5100		
	Remaining ABR and NPC members meet bi-weekly no compensation, similar to HLC	$0		
	Total Staff Proposal Annual Cost:	$7,700		
	Other Option, All members $50 / wk:		$16,900 + HLC as well?	$35,700 + 2 new Staff

2/26/06 Staff Memo to Steering Committee
Excerpt Re: Tenant Noticing (bold added)

<u>Steering Committee Recommendation</u>: Explore the feasibility for Mailed Tenant Noticing.
<u>Discussion:</u> Ideally, nearby tenants as well as neighboring property owners and interested parties would be noticed. One option discussed was to require applicants to notice tenants themselves, rather than the city performing tenant noticing for a fee. **However, unfortunately, achieving consistent, accurate, tenant noticing appears to be cost prohibitive at this time. Instead, the on-site notice posting (see above) appears to be a more feasible way to notify potentially interested nearby residents.**
<u>Staff Recommendation</u>: No change to Municipal Code is recommended for this item.
<u>Origin</u>: Steering Committee Meeting 16.
<u>Implementation Notes:</u> Not applicable.

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Item 5
Draft Proposal for Tenant Noticing

- ◆ **Frequency:** Once

- ◆ **Timing:** At same time applicant receives on-site posting notice

- ◆ **Method:** 20+ Flyers to be dropped off door-to-door

- ◆ **Noticing to be required** (along w/ on-site posting & any required mailed noticing). However, improper noticing is not grounds for an application not to be approved or appealed.

Advantages:

- ✚ Noticing expanded to nearby tenants

- ✚ Minimal City and applicant costs

- ✚ Encourages discussion between applicant and neighbors

Item 5
Residential Tenant Noticing

Options	Advantages	Disadvantages
1. Voluntary Program (i.e. "Courtesy Noticing", applicant could complete)	◆Less additl. cost to applicants & City ◆No processing delays due to "mis-noticing"	◆Inconsistencies possible ◆Those relying on courtesy notices may not be informed
2. Legally Required	More Consistent Noticing	◆More costly ◆Potential processing delays due to "mis-noticing"

Draft Ordinance
Provisions to Review Next Time

- ◆ Further refinement of sq. ft. calcs., including basement sq. ft. calculations

- ◆ Balcony encroachments

- ◆ Built Green two-star reqts. For 4k+ homes

- ◆ Hillside Items

- ◆ On-site parking flexibility

- ◆ Zoning Ordinance general definition changes

- ◆ New grading standards